

U.S. Appl. No. 09/919,438
Amendment Date: June 9, 2005
Reply to Office Action of Mar. 9, 2005
Docket No. BOC9-2000-0080 (215)

REMARKS/ARGUMENTS

These remarks are submitted responsive to the office action dated March 9, 2005 (Office Action). As this response is timely filed within the three-month statutory period, neither an extension of time nor a fee is required.

As an initial matter, Applicants wish to thank the Examiner for his thorough review of the Application. Applicants also appreciate the Examiner's reminder in paragraph 1 of the Office Action regarding the proper format for disclosure abstracts. Applicants have amended the abstract to avoid exceeding the limit of 150 words.

In response to the Office Action, Applicants have amended claims 1, 3, 6, 7, 8, 9, 15, 17, 20, 21, and 22. Claim 1, 9, and 15 have been amended to clarify that the placebo transaction results in a load being applied to the e-business application server, as supported by original claim 7. Claims 1 and 15 have also been amended to clarify that the placebo transaction can be received by a workload driver, as supported by original claim 7. The workload driver can automatically translate requests into computer programs using configuration information within a configuration file, as supported by original claim 9 and by page 14, lines 3-16.

Claims 3, 7, 17, and 21 have been amended to be consistent with the independent claims as amended. Claims 7 and 21 have also been amended to emphasize that the workload driver can be a servlet that runs on the application server, as supported by page 10, lines 19-20.

Claims 6, 8, and 20 have been modified to correct a problem with antecedent basis. Claims 8 and 22 have also been amended to clarify that the instantiated workload driver can be a JAVA class, as supported by page 11, lines 1-2. No new matter results from these amendments.

Regarding paragraphs 3 and 4, Applicants have amended claim 8 to overcome the objection. Applicants therefore request the objection to claim 8 be withdrawn. As to the claim interpretation of paragraph 4, Applicants have amended the claims as noted above.

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to clarify the definitions of placebo transaction and workload driver as applied to the claims.

In paragraphs 5 and each sub-paragraph 5.1 through 5.8 of the Office Action, the Examiner has rejected claims 1-9 and 13-22 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,522,995 to Conti (Conti). In paragraphs 6 and each sub-paragraph 6.1 through 6.3 of the Office Action, the Examiner has rejected claims 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Conti in view of U.S. Patent No. 5,887,879 to Reynolds (Reynolds).

**A. Under 35 U.S.C. § 103(c) neither Conti nor Reynolds are valid reference
(commonly assigned to IBM as is the present application)**

Claims 10-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Conti in view of Reynolds. At the time the invention was made, both Conti and Reynolds were assigned to International Business Machines Corporation (IBM) of Armonk, New York, as is the present invention. Under § 35 U.S.C. 103(c), subject matter not owned or subject of an assignment to the same person cannot be used as a reference for purposes of 103(a). Accordingly, the 35 U.S.C. § 103(a) rejections to claims 10-12 should be withdrawn, which action is respectfully requested. Consequently, neither Conti nor Reynolds should be used as references in future § 103(a) rejections against the present application.

B. Conti fails to Anticipate the Applicants' Invention as Claimed

Claims 1-9 and 13-22 under 35 U.S.C. § 102(a) as being anticipated by Conti, meaning that each claimed limitation is explicitly or inherently taught by Conti.

A brief overview of the present application and of Conti may be helpful in showing the differences between Conti and the claimed invention. The Applicants' invention provides a method and system to automate traffic flow management policies in

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a programmatic manner. The invention has the ability to adjust a particular workload in an automated fashion by having alternative transactions take place (without requiring a user to modify the workloads via an interface). It should be appreciated that the ability to sense and adjust workloads in an automated fashion is a huge benefit for Web applications. The claimed technique results in an automated environment designed for selective traffic management and testing of the same using simulated loads.

Conti discloses Web based server testing tools and, more particularly, to an improved method for enhancing control of Web-based server testing. Conti requires that a test operator manipulate a test as the test processes to either correct or prevent errors from occurring that would otherwise adversely affect the test. Unlike Conti, the Applicants' claimed invention is an automated technique that does not rely on an operator to manipulate a testing environment.

Referring specifically to claimed limitations, Applicants claim:

- (1) placebo transaction work request that results in a load being applied to the e-business application server
- (2) using a workload driver to automatically translate forwarded placebo transaction work request into computer program operations to be performed in the e-business application server, wherein the automatically translating step is determined by configuration information contained within a configuration file, the configuration file associating computer program commands with transaction work requests.

Conti fails to explicitly or inherently teach these claimed limitations. Column 6, lines 8-37 is cited as teaching a placebo transaction (simulated work request). This section, however, instead teaches that when a test case is broken or exhibits many errors, that test case can be automatically disabled for designated testers. No equivalent of claimed limitation for a placebo transaction work request that results in a load being applied to the e-business application server is present.

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Notably, the cited portions of Conti conflict with this limitation in that Conti teaches a technique to reduce load (disable broken test cases), while the claimed limitation teaches a technique to add load (to simulate a load that would result from a real-time transactions).

Conti fails to teach a workload driver as claimed. In paragraph 5.2, it is asserted that a workload driver is inherent for generating the tests for the Web server (item 29). The claimed workload driver, however automatically translates work requests into computer program operations to be performed in the e-business application server based upon configuration information contained within a configuration file.

Such a workload driver is not inherently shown in FIG. 1 of Conti. Conti shows that scripts are sent to a Web server. Typically the scripts would include machine readable instructions specifying programmatic actions that the Web server is to perform. Conti fails to teach a workload driver that translates work request into associated operations based upon information contained within a configuration file. That is, Applicants claim that workload request is received and that a workload driver uses a configuration file to "look up" a workload response ("computer program commands" that are performed in the e-business server) that is associated with the workload request.

While some type of software driver may be inherently contained within a Web server, the claimed workload driver that determines computer program commands from placebo transaction work requests through looking up associated records in a configuration file is not inherently taught (or implicitly taught for that matter) by Conti.

Because Conti fails to explicitly or inherently teach each claimed limitation of independent claims 1, 9, and 15 the 35 U.S.C. § 102(a) rejections to these independent claims as well as dependent claims rejected on the same basis (claims 1-9 and 13-22) should be withdrawn, which action is respectfully requested.

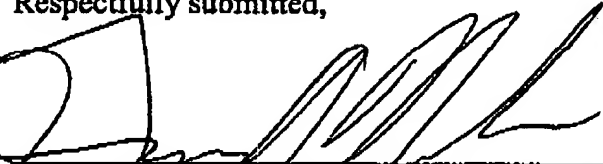
The Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. The Applicants request that the Examiner call the

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undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: 6/9/05



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